UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET

CR No.	**15-3051 JB**	USA v.	**Sam**
Date:	**3/31/2016**	Name of Deft:	**Richmond Sam**
Before the Honorable	**James O. Browning**		

Time In/Out:	**9:07 a.m./10:18 a.m.**			Total Time in Court:	**1:11**			
Clerk:	**K. Wild**			Court Reporter:	**J. Bean**			
AUSA:	**David Adams/Jack Burkhead** **(Mr. Burkhead departed before conclusion of hearing)**			Defendant's Counsel:	**Robert Gorence (Appointed)**			
Sentencing in:	**ABQ**			Interpreter:	**N/A**			
Probation Officer:	**Laina Romero**			Sworn?		Yes		No
Convicted on:	X	Plea		Verdict	As to:	X	Information		Indictment
Plea:		Accepted		Not Accepted	Adjudged/Found Guilty on Counts:				
Plea Agreement:	X	Accepted		Not Accepted	No Plea Agreement	Comments:			
Date of Plea:	**December 31, 2015**				PSR:	X	Not Disputed		Disputed
PSR:	X	Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own			Evidentiary Hearing:	X	Not Needed		Needed
Exceptions to PSR:	**see below – not exceptions, corrections to typographical errors**								

SENTENCE IMPOSED		Imprisonment (BOP): **15 months**			
Supervised Release:	**3 years**	Probation:			500-Hour Drug Program

SPECIAL CONDITIONS OF SUPERVISION

	No re-entry without legal authorization		Home confinement for _____ months _____ days
	Comply with ICE laws and regulations		Community service for _____ months _____ days
	ICE to begin removal immediately or during sentence	X	Reside halfway house **6 months**
X	Participate in outpatient substance abuse program		Register as sex offender
X	Participate in outpatient mental health program		Participate in sex offender treatment program
X	No alcohol or other forms of intoxicants		Possess no sexual material
X	Submit to search of person/property		No computer with access to online services
X	No contact with ***victim's family*** and/or co-Deft(s)		No contact with children under 18 years
	No entering, or loitering near, victim's		No volunteering where children supervised
	Provide financial information		Restricted from occupation with access to
	Grant limited waiver of confidentiality		No loitering within 100 feet of school yards

X	OTHER: **--The Defendant must refrain from the use and possession of synthetic cannabinoids, commonly referred to as spice, or synthetic cathinones, commonly referred to as bath salts.** **--The Defendant must not possess a firearm, ammunition, destructive device, or any other dangerous weapon.** **--The Defendant shall have no contact with gang members without prior approval of the probation officer.**

Fine: $	**0.00**	Restitution: $	**$1,053.60 (The Court finds the Mandatory Restitution Act of 1996 applicable in this case; therefor, a claim of restitution in the amount of $1,053.60 to Christine Chavez will be ordered. Payments shall be forwarded to the Clerk of the Court, 333, Lomas Blvd., N.W., Suite 260, Albuquerque, New Mexico 87102. The Defendant shall make payments of not less than $50.00 per month.)**

SPA: $	**100.00**	Payment Schedule:	X	Due Immediately		Waived

OTHER:	**Consistent with a stipulation in the Plea Agreement, the Defendant forfeits his rights, title and interest to all assets outlined in the plea agreement.**

X	Advised of Right to Appeal	X	Waived Appeal Rights per Plea Agreement
X	Held in Custody		Voluntary Surrender
	Recommended place(s) of incarceration:		
X	Dismissed Counts:	**AUSA tenders written motion and proposed form of order to dismiss Indictment; Court grants/signs.**	

OTHER COMMENTS	Court suggests the following changes to PSR: para. 23, at the fourth line, “to be at home,” to “to be at home;”; para. 24, at the third line, “She eluded problems arose”; to “She eluded to problems that arose”; para. 40, at the sixth line, “in Indian Country;” to “in Indian Country,”; para. 44, page 9, second full para, at the fourth line “himself in however he only” to “himself in, however, he only”; para. 59, at the next to last line, “was 14;” to “was 14,”; para. 64, at the first line, “December 2013, the Laguna Tribe” to “December 2013, that the Laguna Tribe”; para. 71, at the fifth line, “times a month; and” to “times a month, and”; para. 76, the first sentence revised to read as follows: “The defendant reported when he was 21he worked with his cousin in Bloomfield for one year as a roustabout in the oil field.” and, the third sentence revised to read as follows: “He conveyed he worked with his cousin in Bloomfield when he was 23, for two years at a machine shop doing welding work.”; counsel nor USPO oppose; Court orders PSR revised re: same. Court notes CRD contacted defense counsel to inform Court is considering imposition of fine - asks if defense opposes victim losses as outlined in declaration provided by USPO prior to hearing? Defense counsel informs do not oppose restitution amount; introduces Defendant’s family members; addresses Court to include argument in support of downward variance outlined in 11(c)(1)(C) agreement and in opposition of imposition of fine. Defendant allocutes. Upon Court’s inquiry, AUSA orally moves for third level reduction based on acceptance – informs will submit at later time; Court grants. AUSA tenders written motion and proposed form of order to dismiss Indictment; Court grants/signs. Court confers w/USPO re: methodology in arriving at value of vehicles. AUSA Adams introduces victim’s family; addresses Court to include argument in support of downward variance outlined in 11(c)(1)(C) agreement; does not believe assets (cars) are worth pursuing for fine. Defense counsel addresses Court further re: imposition of a fine. Court accepts plea agreement – provides findings to support imposition of special conditions. Defense counsel requests payment of restitution not to commence until Defendant is released from custody.